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# *The Commonwealth of Massachusetts*

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Commissioner

### Minutes

**BBRS Building Code Appeals Board (BCAB)**

**Meeting Location: Taunton District Office, 1380 Bay Street, Taunton, MA**

**Meeting Date: July 10, 2014**

**Meeting Time: 9:30 a.m.**

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1. Meeting called to order by the Chairman, Harry Smith, at 9:30 a.m. followed by roll call:

#### Board Members Present:

Harry Smith, Chairman

Alexander (Sandy) MacLeod

Jake Nunnemacher

#### Board Members Not Present:

None

There were eight (8) cases on the docket scheduled each 30 minute period, beginning at 9:30 a.m. and running until approximately 1:45 p.m. The three board members identified above served each case; guests varied with each case. A copy of the sign-in sheet for each case is appended to these minutes to identify attendees.

#### Guests Present:

See sign-in sheet for each case.

2. June 5, 2014 meeting minutes approved.
3. **Case Number:** 14-1391  
**Appellant:** Kevin Hastings for Brigham & Women's Hospital.  
**Address of Property:** 15 Francis Street, Boston, MA. 02115  
**Summary of Case:** This appeal concerned *(The State Building Code, Eighth Edition)* Section 505 concerning mezzanine smoke control requirements. The municipal building inspector had cited the violations and ordered them to comply in order to obtain a certificate of occupancy.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR 102.6.4, 505.3 & 1021.1** conditioned on the fact that the City is not opposed and that the appellant is providing additional smoke coverage in the corridors in the penthouse, 5<sup>th</sup> floor, the 4<sup>th</sup> floor and all areas that are open to the corridor. There is a hardship of creating a second means of egress and the fact that it is truly not a mezzanine nor a penthouse by definition puts the appellant in a grey area. They have also provided acceptable compliance alternatives that meet the intent of the code.

4. **Case Number:** 14-1392  
**Appellant:** Ted Dow for Ink Sepia LLC.  
**Address of Property:** 30-36 Traveler Street, Roxbury, MA. 02118  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) Section 903.3.5.2 regarding secondary water supply.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, at the appellant's request, it was **UNANIMOUSLY** voted to **grant a continuance** to allow time for the submission of further documentation to the board.

5. **Case Number:** 14-1393  
**Appellant:** Ted Dow for Zee Em Turst II.  
**Address of Property:** Totten Pond Rd., a.k.a, 10 City Point, Waltham, MA. 02452  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) Section 903.3.5.2 regarding secondary water supply. The building official has cited this section due to the omission of a secondary on-site stored fire protection water supply for a high-rise building which is being constructed on a site resulting in a Seismic Design Category classification "C".

On a **MOTION** by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to **deny the appeal** since the appellant did not present sufficient cause to warrant a variance to code requirements.

6. **Case Number:** 14-1394  
**Appellant:** Sally Watermalder for Mitsoko Ernst.  
**Address of Property:** 223 Boylston Street, Boston, MA. 02125  
**Summary of Case:** The appeal concerned (*The State Building Code, Eighth Edition*) R302.1 concerning fire-resistant ratings for exterior walls.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR IRC 302.1** based on the proposed mitigations that the appellant has stated. 1) The closure of the rear window in providing a (1) hour rating there. 2) Protecting the underside of the bump out. 3) Providing the non-combustible hardy plank on the north side, the one that faces the easement. 4) Upgrading the smoke detector system. This is a legitimate hardship and she has done the effort needed to go out there and provide it the best she could. It is also noted that the City of Boston is not opposed and did not have any objections to granting the variance in this case.

7. **Case Number:** 14-1395  
**Appellant:** Rocky Edwards for Related Lovejoy Residential Residence LLC  
**Address of Property:** 131 Beverly Street, Boston, MA. 02215  
**Summary of Case:** The appeal concerned a variance from 780 CMR (*The State Building Code, Eighth Edition*), Section 403.5.1 and 706.1.1 concerning fire resistance ratings.

On a **MOTION** (#1) by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to **grant a variance to 706.1.1** to install a (3) hour rated door and (3) hour partition.

On a **MOTION** (#2) by Sandy MacLeod and **SECONDED** by Jake Nunnemacher, it was **UNANIMOUSLY** voted to grant a variance to CMR 403.5.1 as to the 30 foot distance between the stair enclosures. The appellant is making the stair consisting of 12 inch concrete rather than drywall construction and there is no opposition from Boston ISD.

8. **Case Number:** 14-1396  
**Appellant:** J. Scott Dunlap for Marshfield Public Schools  
**Address of Property:** 167 Forest Street, Marshfield, MA 02050  
**Summary of Case:** The appeal concerned 780 CMR (*The State Building Code, Eighth Edition*), Section 1028.9.1. The municipal building cited this section because he believes the built conditions in the southeast corner of the auditorium do not meet this section of the code.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **uphold the decision of the building official but grant them an alternative** which would include removing the hand rail in the isle and cutting back the half wall at the opening. The building official and architect must work out the details together.

9. **Case Number:** 14-1397  
**Appellant:** Rocky Edwards for MIM Lawrence II Limited Partnership.  
**Address of Property:** 600 Broadway, Lawrence, MA. 01840  
**Summary of Case:** The appeal concerned a variance from (*The State Building Code, Eighth Edition*) Section 706.1.1 to allow access exit doors and components that still maintain a 3 hour rating of party wall at all floor level openings penetrating a party wall.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant a variance to 780 CMR Section 706.1.1** based on the hardship & situation they have and due to the fact that there is no opposition from the building department.

10. **Case Number:** 14-1398  
**Appellant:** Carlos Aispuro  
**Address of Property:** 125 Leyden Street, Apt. 1, East Boston, MA. 02128  
**Summary of Case:** The appeal concerned a variance from (*The State Building Code, Eighth Edition*) 780 CMR 8<sup>th</sup> Edition Sections 1009, 1026.5, 1026.6, 1027.3, 1029, 1208, CMR 705.2 & IMC concerning means of egress and related requirements.

On a **MOTION** by Jake Nunnemacher and **SECONDED** by Sandy MacLeod, it was **UNANIMOUSLY** voted to **grant the appellant's request for a (30) thirty day continuance** to allow for the submission of additional material relating to the matter.

11. The meeting adjourned at 1:45 p.m.